United Nations S/AC.49/2009/15

Security Council

Distr.: General
31 July 2009
English
Original: French

Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 27 July 2009 from the Permanent Mission of France to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of France to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to transmit herewith the report of France regarding the implementation of Security Council resolution 1874 (2009) in accordance with paragraph 8 thereof (see annex).

Additional information will be communicated to the Committee following the adoption by the European Union of common positions and relevant regulations.

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Annex to the note verbale dated 27 July 2009 from the Permanent Mission of France to the United Nations addressed to the Chairman of the Committee

Report of France to the Security Council

In paragraph 22 of its resolution 1874 (2009) of 12 June 2009, the Security Council "calls upon all Member States to report to the Security Council within forty-five days of the adoption of this resolution and thereafter upon request by the Committee on concrete measures they have taken in order to implement effectively the provisions of paragraph 8 of resolution 1718 (2006) as well as paragraphs 9 and 10 of this resolution, as well as financial measures set out in paragraphs 18, 19 and 20 of this resolution".

In accordance with these provisions, France wishes to bring to the Security Council's attention the following information on the measures taken to implement them. As a member of the European Union, it is France's duty to implement the Common Position (CFSP) which:

- Requests States to act within their areas of competence (military embargo, cooperation, transit through their territory ...); and
- Requests the European Community to act within its areas of competence (freezing of assets, trade embargos, financial vigilance). In order to do this, the European Union provides the European Community with a Regulation (EC).

I. Implementation of paragraph 8 of Security Council resolution 1718 (2006)

1. Norms adopted by the European Union

On 20 November 2006, the Council of the European Union adopted Common Position 2006/795/CFSP concerning restrictive measures against the Democratic People's Republic of Korea.

This European Union document is based on the provisions of Security Council resolution 1718 (2006). It calls for:

- An embargo on sensitive goods and related services and financing;
- A prohibition on the supply of luxury goods;
- Measures restricting movement on the territory of States members of the European Union;
- Measures to freeze financial assets;
- Cooperative action by member States in order to prevent illicit trafficking in weapons of mass destruction, their means of delivery and related materiel and technology.

For certain provisions of the Common Position which fall within the competence of the European Community on 27 March 2007, the Council of the European Union adopted Council Regulation (EC) No. 329/2007 which was modified by Council Regulation (EC) No. 389/2009 of 12 May 2009.

Legally, European Community regulations are directly and immediately applicable from the time of their publication in the *Official Journal of the European Communities*, and therefore do not require any additional measures for implementation at the national level.

2. *Implementation at the national level*

Embargo on battle tanks, armoured combat vehicles, large/calibre artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems as defined for the purpose of the United Nations Register of Conventional Arms, or related materiel

Council Regulation (EC) No. 329/2007 has provided a legal basis for the systematic prohibition of any export from European Union member States of the items listed in paragraph 8 (a) (i) of Security Council resolution 1718 (2006) of any conventional-weapons-related items listed by the Sanctions Committee.

The export from France of war materiel is strictly controlled on the basis, inter alia, of Decree-Law No. 18 of 18 April 1939 establishing regulations governing war materiel, arms and munitions, as well as the Defence Code (articles L.2335-2 and L.2335-3). This document provides for the prohibition of such exports. Export licences, which constitute an exception to that provision, may be issued only on completion of an inter-ministerial review procedure.

Under that procedure, the Inter-Ministerial Commission for the Study of War Materiel Exports, on the basis of Security Council resolution 1718 (2006), Common Position 2006/795/CFSP and Regulation (EC) No. 329/2007, now rejects all applications for approval of negotiations for the sale of, or of the sale of, war materiel to the Democratic People's Republic of Korea.

Arms exporters are informed of the applicable legislation.

Embargo on items, materials, equipment, goods and technology which could contribute to the Democratic People's Republic of Korea's nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes

Council of the European Union Regulation (EC) No. 329/2007 introduced a regulatory base that systematically prohibits all exports from States members of the European Union of any of the items listed in paragraph 8 (a) (ii) of Security Council resolution 1718 (2006) and of such items relating to conventional weapons as may be listed by the Committee.

Embargo on luxury goods

Council of the European Union Regulation (EC) No. 329/2007 introduced a normative base that systematically prohibits all exports from States members of the European Union of the following luxury goods:

1. Pure-bred horses
2. Caviar and caviar substitutes
3. Truffles and preparations thereof

4. High-quality wines (including sparkling wines), spirits and spirituous beverages
5. High-quality cigars and cigarillos
6. Luxury perfumes, toilet waters and cosmetics, including beauty and make-up products
7. High-quality leather, saddlery and travel goods, handbags and similar articles
8. High-quality garments, clothing accessories and shoes (regardless of their material)
9. Hand-knotted carpets, hand woven rugs and tapestries
10. Pearls, precious and semi-precious stones, articles of pearls, jewellery, gold or silversmith articles
11. Coins and banknotes, not being legal tender
12. Cutlery of precious metal or plated or clad with precious metal
13. High-quality tableware of porcelain, china, stone- or earthenware or fine pottery
14. High-quality lead crystal glassware
15. High end electronic items for domestic use
16. High end electrical/electronic or optical apparatus for recording and reproducing sound and images
17. Luxury vehicles for the transport of persons on earth, air or sea, as well as their accessories and spare parts
18. Luxury clocks and watches and their parts
19. High-quality musical instruments
20. Works of art, collectors' pieces and antiques
21. Articles and equipment for skiing, golf, diving and water sports
22. Articles and equipment for billiards, automatic bowling, casino games and games operated by coins or banknotes

Prohibition of all transfers of technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of weapons or of items, materials, equipment, goods and technology which could contribute to nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes

Council of the European Union Regulation (EC) No. 329/2007 prohibits all transfers of technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of weapons or of items, materials, equipment, goods and technology which could contribute to nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes.

In order to prevent the transfer of knowledge or expertise that could be used in connection with proliferation programmes, France requires all heads of institutions that are subject to a strict security regime or controlled access to seek authorization from the senior clearance officer of the relevant Ministry in order to admit a visitor or trainee who is not a national of a member of the European Union. In addition, a consular vigilance procedure is being applied to prevent acquisition of expertise and know-how which are sensitive from the standpoint of proliferation of nuclear, biological and chemical weapons, as well as missiles, by nationals of the Democratic People's Republic of Korea.

On the basis of Security Council resolution 1718 (2006), the European Union's Common Position 2006/795/CFSP and Regulation (EC) No. 329/2007, authorization is not granted to nationals of the Democratic People's Republic of Korea.

Freezing financial assets and economic resources and prohibition of funding

Council of the European Union Regulation (EC) No. 329/2007 permits the freezing of financial assets of persons and entities identified by the Sanctions Committee and prohibits funds, financial assets or economic resources from being made available to such persons or entities.

On 24 April 2009, the Sanctions Committee established pursuant to Security Council resolution 1718 (2006) placed three North Korean entities under sanctions. Regulation (EC) No. 389/2009 of 12 May 2009 allowed these persons to be added to the sanctions list mentioned in Regulation (EC) No. 329/2007.

A new community regulation will allow the addition to this list of the persons and entities placed under sanctions by the Committee established pursuant to Security Council resolution 1718 (2006) on 16 July 2009.

These provisions are taken into account by banks and financial institutions in France, which are informed of them by, inter alia, the Ministry of the Economy, Industry and Employment.

Denial of entry into French territory

Since the announcement of the nuclear test carried out on 9 October 2006, France has severely restricted access to its territory by nationals of the Democratic People's Republic of Korea.

Visa applications submitted on behalf of high-level officials of the State or Party are being examined on a case-by-case basis, and are granted only on humanitarian grounds.

France will continue to apply these measures until the authorities of the Democratic People's Republic of Korea make a significant step towards meeting with their commitments and satisfying the concerns of the international community.

Inspection of cargo transported to or from the Democratic People's Republic of Korea

Special control measures applicable to commercial shipments from and to the Democratic People's Republic of Korea have been implemented by the customs authorities.

These measures apply to exports to the Democratic People's Republic of Korea of weapons and goods that could be used in programmes relating to ballistic missiles or nuclear or other weapons of mass destruction, and to imports of weapons. In addition to these measures, a monitoring mechanism has been set up to prevent the trafficking of banned shipments by sea to or from the Democratic People's Republic of Korea.

In application of these measures, the customs authorities, inter alia, inspected goods on a vessel belonging to the Democratic People's Republic of Korea which docked at Mayotte on 13 November 2006.

II. Implementation of paragraphs 9, 10, 18, 19 and 20 of Security Council resolution 1874 (2009)

1. Norms adopted by the European Union

As a result of the adoption of Security Council resolution 1874 (2009) on 12 June 2009, the Common Position of the European Union for 2006 and the implementing regulations must be modified. The new Common Position of the European Union was adopted by the Council of the European Union on 27 July 2009. The finalization of the community implementing regulation will then be able to start.

2. Implementation at the national level

France's existing national measures for the implementation of Security Council resolution 1718 (2006) have been strengthened pending the adoption of the European norms mentioned above.